

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

HYLANT GROUP, INC.,)	
HYLANT OF INDIANAPOLIS, LLC,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:14-cv-00516-SEB-DML
)	
NICHOLAS IAONNACCI,)	
HUNTINGTON INSURANCE, INC.,)	
)	
Defendants.)	

ORDER TO SHOW CAUSE

The Court's attention has been drawn to Plaintiffs' Motion for Preliminary Injunction, and Request for Hearing [Docket No. 9], filed on April 8, 2014. This lawsuit originated in state court and was removed here on April 4, 2014. The motion describes Plaintiffs' claim as one based on Defendant Nicholas Iaonnacci's "breach of his employment agreement with Hylant, his former employer." Mot. at 1.

In reviewing Defendants' petition for removal, jurisdiction appears to be premised on federal question. Our review of the complaint reveals only one federal question issue, namely, that based on the Computer Fraud and Abuse Act, 18 U.S.C. § 1030. Neither that statute nor the sparse case law in our circuit seems to support a private civil cause of action for the conduct at issue here. If that is so, this case must be remanded for lack of federal subject matter jurisdiction.


"Jurisdiction is the 'power to declare law,' and without it the federal courts cannot proceed." *Hay v. Ind. State Bd. of Tax Comm'rs*, 312 F.3d 876, 879 (7th Cir. 2002) (quoting *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999)). Thus, "not only may the federal

courts police subject matter jurisdiction *sua sponte*, they must.” *Id.* (emphasis in original).

Accordingly, briefing of jurisdictional issues shall proceed on an expedited basis: Defendants shall file their jurisdictional statement no later than April 15, 2014. Plaintiffs shall file their response by April 21, 2014. Defendants’ reply shall be due by April 24, 2014. After resolving the referenced jurisdictional issues, the Court will address the request for preliminary injunctive relief.

IT IS SO ORDERED.

Date: 04/09/2014



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Steven M. Badger
BADGER LAW OFFICE
sbadger@badgercounsel.com

Derek R. Molter
ICE MILLER LLP
derek.molter@icemiller.com

George A. Gasper
ICE MILLER LLP
george.gasper@icemiller.com